JS 44 (Rev. 06/17)

## **CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS VICTOR REYES, on beh	alf of himself and all o	ther similarly situate	d	DEFENDANTS SEARS HOLDING CORPORATION, SEARS, ROEBUCK &										
persons,		are. cay caate	_	COMPANY and XPO LOGISTICS, INC.										
<b>(b)</b> County of Residence of	of First Listed Plaintiff S SCEPT IN U.S. PLAINTIFF CA	suffolk, N.Y. (SES)		County of Residence  NOTE: IN LAND CO THE TRACT	(IN U.S. PI	AINTIFF CASES ON CASES, USE T	Cook, I.L. ONLY) THE LOCATION OF							
(c) Attorneys (Firm Name,	Address, and Telephone Numbe	r)		Attorneys (If Known)										
BLOCK, O'TOOLE & MU 1 Penn Plaza, Suite 5318		9; (212) 736-5300												
II. BASIS OF JURISDI	CTION (Place an "X" in C	ne Box Only)		TIZENSHIP OF P	RINCIPA	L PARTIES								
☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Government)	Not a Party)		$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$										
☐ 2 U.S. Government Defendant	★ 4 Diversity  (Indicate Citizensh	ip of Parties in Item III)	Citize	en of Another State	2 🗖 2	Incorporated and of Business In		□ 5	<b>★</b> 5					
				en or Subject of a reign Country	3 🗇 3	Foreign Nation		□ 6	<b>□</b> 6					
IV. NATURE OF SUIT						here for: Nature								
CONTRACT		ORTS		ORFEITURE/PENALTY		KRUPTCY		STATUT	ES					
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act	☐ 330 Federal Employers'	PERSONAL INJURY  □ 365 Personal Injury - Product Liability □ 367 Health Care/ Pharmaceutical Personal Injury Product Liability □ 368 Asbestos Personal		5 Drug Related Seizure of Property 21 USC 881 0 Other	☐ 423 Withd 28 US  PROPER ☐ 820 Copys ☐ 830 Patent	TY RIGHTS rights	□ 375 False Claims Act □ 376 Qui Tam (31 USC 3729(a)) □ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce							
☐ 152 Recovery of Defaulted Student Loans	Liability  ☐ 340 Marine				- Abbreviated Drug Application	☐ 460 Deportation ☐ 470 Racketeer Influenced and								
(Excludes Veterans)	☐ 345 Marine Product	Injury Product Liability PERSONAL PROPERT		LABOR	☐ 840 Trade	mark	Corrupt	Organizat						
of Veteran's Benefits  160 Stockholders' Suits  190 Other Contract 195 Contract Product Liability 196 Franchise	of Veteran's Benefits 0 Stockholders' Suits 0 Other Contract 5 Contract Product Liability 0 350 Motor Vehicle 0 355 Motor Vehicle 0 Product Liability 0 360 Other Personal			LABOR  0 Fair Labor Standards Act  0 Labor/Management Relations  0 Railway Labor Act  1 Family and Medical Leave Act	☐ 861 HIA (☐ 862 Black	Lung (923) C/DIWW (405(g)) Title XVI	□ 480 Consumer Credit     □ 490 Cable/Sat TV     □ 850 Securities/Commodities/     Exchange     □ 890 Other Statutory Actions     □ 891 Agricultural Acts     □ 893 Environmental Matters     □ 895 Freedom of Information							
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		0 Other Labor Litigation		L TAX SUITS	Act							
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations	Habeas Corpus:  463 Alien Detainee  510 Motions to Vacate Sentence  530 General	19	1 Employee Retirement Income Security Act	□ 870 Taxes (U.S. Plaintiff or Defendant) □ 871 IRS—Third Party 26 USC 7609		☐ 896 Arbitrat ☐ 899 Adminis Act/Rev Agency ☐ 950 Constitu	ppeal of						
☐ 290 All Other Real Property	☐ 445 Amer. w/Disabilities -	☐ 535 Death Penalty Other:	7.46	IMMIGRATION 2 Naturalization Application	1		State Statutes							
	Employment  446 Amer. w/Disabilities - Other  448 Education			2 Naturalization Application 5 Other Immigration Actions										
V. ORIGIN (Place an "X" i	n One Box Only)													
	te Court	Appellate Court	Reop	(specify)	r District	☐ 6 Multidistr Litigation Transfer	1 -	Multidis Litigatio Direct Fi	on -					
VI. CAUSE OF ACTIO	DN 28 U.S.C. 1392 Brief description of ca	iuse:		Oo not cite jurisdictional stat		ersity);								
VII. REQUESTED IN		of employees and vio		s of the New York La		HECK YES only	if demanded in	complei	int.					
COMPLAINT:	UNDER RULE 2		D.	EMAND \$		JRY DEMAND		□No						
VIII. RELATED CASI IF ANY	E(S) (See instructions):	JUDGE			DOCKE	T NUMBER								
DATE 08/11/2017 FOR OFFICE USE ONLY		SIGNATURE OF ATTO	ORNEY C	OF RECORD										
	MOUNT	APPLYING IFP		JUDGE		MAG. JUI	OGE							

CERTIFIC	T A	TI	ON	(	F	Δ	R	R	ITR	Δ	TI	O	T	FI	T	CIL	TIS	ITV	•

exclusive	of interes	Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, st and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a contrary is filed.
I, David L. ineligib	Scher, Esq.	, counsel for Plaintiff Victor Reyes, do hereby certify that the above captioned civil action is ompulsory arbitration for the following reason(s):
	X	monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
		the complaint seeks injunctive relief,
		the matter is otherwise ineligible for the following reason
		DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1
		Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:
		RELATED CASE STATEMENT (Section VIII on the Front of this Form)
provides because t same judg case: (A)	that "A ci he cases a ge and ma involves	that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) vil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or wrise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the gistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power mine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the
		NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)
1.)	Is the cive County:	vil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk
2.)		nswered "no" above: ne events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk
	b) Did th District?	he events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern
Suffolk	County, o lk County	
	(No	ote: A corporation shall be considered a resident of the County in which it has the most significant contacts).
		BAR ADMISSION
I am cur	rently ad	mitted in the Eastern District of New York and currently a member in good standing of the bar of this court.  Yes  No
Are you	currently	the subject of any disciplinary action (s) in this or any other state or federal court?  Yes (If yes, please explain) No
I certify	the accur	racy of all information provided above.
a		